IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3957 of 1996

Between:

1 V.Subba rao, S/o. Devala Rao,
R/o. Kommuru,Kakumanu Mandal, Guntur District.
2 V.ramakrishna Prasad, S/o. Devala Rao,
R/o. Kommuru,Kakumanu Mandal, Guntur District.
3 V.Ranga Rao, S/o. Devala Rao,
R/o. Kommuru village, Kakumanu Mandal,
Guntur District.

..... PETITIONERS

AND

1 The District Collector,
Guntur.
2 The Government of A.p. rep.by its. Secretary, Revenue Department ,
Secretariate, Hyderabad.
3 R.D.O., Tenali,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the 1constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly, one in the nature of Writ of certiorari, for quashing the notification of the collector proceedings in Rc.No. 304/94-W2 dated 20-8-1994 published in the Guntur district Gazette on 27-8-1994 and for passing orders after calling the relevant records, as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.V.SUBBAIAH

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.3957 OF 1996

ORDER:

This writ petition is filed questioning the notification dated 20.8.1994 issued under Section 4(1) of the Land Acquisition Act in proceedings Rc.No.304/94-W2 for acquisition of lands for the purpose of providing house sites to the beneficiaries in Kommur village of Guntur District.

Though the writ petition is of the year 1996, no counter is filed. However, the learned Government Pleader produced para-wise remarks submitted by the Assistant Collector, Tenali, in which it is stated that though the draft notification published on 29.9.1995, inasmuch as no award was passed within the statutory period of two years, the land acquisition proceedings were lapsed. Further it is also stated that as there was no demand from the beneficiaries they decided to with draw the land acquisition proceedings.

In that view of the matter, the impugned notification is hereby set aside. The writ petition is accordingly allowed as prayed for. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.04.02.2005.

Mdaa.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Friday, the 04th

day of February, two thousand and five.

Copy to:

1 The District Collector,
Guntur.
2 The Government of A.p. rep.by its. Secretary, Revenue Department ,
Secretariate, Hyderabad.
3 R.D.O., Tenali,
Guntur District.

4. Two C.Cs to G.P.for Land Acquisition, High Court of A.P., Hyd (OUT)

5. Two C.D.copies.